

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JERRY LITWIN, individually and on behalf of :
all others similarly situated, :

Plaintiff, :

v. :

CHASE BANK USA, N.A., :

Defendant. :
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No. 10 Civ. 9609 (JSR)

NOTICE OF MOTION TO DISMISS THE COMPLAINT

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law and all other papers herein, Defendant Chase Bank USA, N.A. (“Chase”), will move this Court, before the Honorable Jed S. Rakoff, at the Daniel Patrick Moynihan United States Courthouse located at 500 Pearl Street, New York, New York, 10007, for an order dismissing the Complaint pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim upon which relief can be granted. Plaintiff’s opposition is due March 11, 2011; Chase’s reply is due March 25, 2011; and oral argument will be held on April 5, 2011 at 4:00 p.m. per the instruction of the Court.

Dated: February 18, 2011.

/s/ Noah A. Levine

Noah A. Levine

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